IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 17065 of 2004

Between:

Vamsee Ramaraju, Managing Trustee & Chief Functionary, Vegesna Foundation, (Regd.Trust) (An Institute of Research
& Rehabilitation for Disabled), Administrative Office, Bhagvan Sri Satya Sai Baba City for the (Dis)abled, Satya Sai Puram, (19th K.M.Vijayawada N.H.), Kuntloor, Ranga Reddy District, Hyderabad - 501505, A.P.

..... PETITIONER

AND

1.The Collector, Ranga Reddy District at Hyderabad
2. The Secretary to the Govt.of A.P., Social Welfare Department, Secretariat, Hyderabad.
3. The Secretary to the Government of India, Ministry of Social Justice and Empowerment, Sastry Bhavan, New Delhi – 110001.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the letter dated 12.9.2004 sent by the petitioner this Hon'ble Court may be pleased to issue an Order, direction, or a Writ, more particularly one in the nature of Writ of Mandamus to call for the records and remarks from the Respondents herein relating to (1) the proposal to withdraw the assistance for the special schools for the orthopaedically handicapped and discouraging such schools for the orthopaedically handicapped, which is against the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, (2) the Letter No.36(9)/97-DD-III (Pt.II) dated 3-2-2003 of the Ministry of

Social Justice and Empowerment, Government of India, Shastry Bhavan, New Delhi - 110001, and to pass appropriate Orders directing the concerned authorities to ensure continuation of special schools for the OH children and continuation of the financial assistance from the Government of India to such schools.

Counsel for the Petitioner: THROUGH LETTER

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

A letter was received from Vamsee Ramaraju, Managing Trustee & Chief Functionary, Vegesna Foundation, an Institute of Research & Rehabilitation for Disabled, duly recognized by Governments of India, and, Andhra Pradesh. The foundation is a registered non-profit tax exempted organization working for the welfare of the orthopaedically handicapped, since 1988. As part of its activities, the Foundation is running a special school for severely crippled children, where students from classes I to X are imparted education of high quality, along with other rehabilitation needs, like corrective surgery, physiotherapy, etc. The foundation apprehended, that, there is a proposal in offing, to withdraw the assistance for special schools for the orthopaedically handicapped, and, discouraging such schools for orthopaedically handicapped, with an impression, that, there is no requirement for special education for such handicapped children, and, thus, letter was sent, which was taken up as Public Interest Litigation. Notice was directed to be issued to the respondents.

As regards petitioner's organization, affidavit-in-reply of Sri Sundar Vadan, Commissioner, Disabled Welfare, Hyderabad, states, that, proposal for sanction of grant-in-aid, for 2004-2005 was submitted by the petitioner's organization, to the District Collector, Ranga Reddy. The Organisation was inspected by a team consisting of the Assistant, Director, Disabled Welfare, Ranga Reddy, and, Mandal

Revenue Officer, Hayatnagar. Basing on the report of the Inspecting Team, the District Collector has recommended and forwarded the proposal to the Commissioner, Disabled Welfare, Hyderabad. In turn, the proposal was forwarded to Government of India by the Commissioner, Disabled Welfare, through Principal Secretary to Government, Women Development Child Welfare and Disabled Welfare Department, Government of Andhra Pradesh vide Lr.No. 6482/DW.A1/2004, dated: 26.10.2004.

The affidavit-in-reply further states, that, as per the revised norms, the Ministry subscribes to the approach of integrating persons under orthopaedically handicapped category, in the regular schools, rather than encouraging exclusive schools for the orthopaedically handicapped, on the ground, that, there is no requirement for special education for physically handicapped. However, the affidavit says, that, the institutions presently being supported by the Ministry, will, however, continue to be supported, subject to, being satisfactory.

In view of the affidavit-in-reply, no further direction deserves to be issued in this Writ Petition, since, grant-in-aid to the petitioner organization will have to be made available subject to its performance, and, there is no likelihood of petitioner-foundation being not supported in future also. The Writ Petition is closed.

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DEVINDER GUPTA, C.J.

25.11.2004.

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M.NARAYANA REDDY, J.

VR.

To

1.The Collector, Ranga Reddy District at Hyderabad
2. The Secretary to the Govt.of A.P., Social Welfare Department, Secretariat, Hyderabad.
3. The Secretary to the Government of India, Ministry of Social Justice and Empowerment, Sastry Bhavan, New Delhi – 110001.

4. Two CCs to Government Pleader for Social Welfare, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.